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DIRECT DIAL:

December 21, 1992

Ms. Donna M. Searcy
Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

Re: MM Docket 92-221
RM 8071

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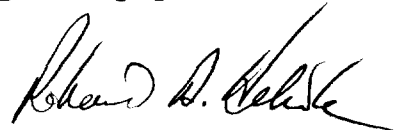
DEC 21 1992

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Dear Ms. Searcy

Submitted on behalf of Olympic Broadcasters, Inc., are an original and four copies of its Reply Comments in the above-captioned Notice of Proposed Rule Making to amend the FM Table of Allotments for Quincy and Susanville, California. An engineering statement in support of the Reply Comments was not able to be completed in time for filing and undersigned counsel reserves the right to file such statement as a supplement to the instant Reply Comments.

Very truly yours



Richard A Helmick

cc: Parties on the Service List

bcc: Jamie Clark
Douglas D. Kahle
William E. Boeing, Jr.

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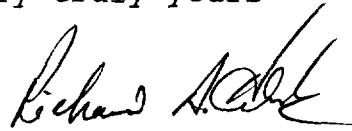
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BEFORE THE

Federal Communications Commission

In the Matter of)
)
Amendment Of Section 73.202(b),) MM Docket No. 92-221
Table Of Allotments,) RM-8071
FM Broadcast Stations.)
(Quincy and Susanville, CA))
)

To: Chief, Mass Media Bureau

REPLY COMMENTS OF OLYMPIC BROADCASTERS, INC.

Olympic Broadcasters, Inc. (Olympic), licensee of FM broadcast station KQNC, Quincy, California, through its attorneys, hereby responds to the comments of Sierra Broadcasting Corporation (Sierra) and Ralph E. Wittick (Wittick) with respect to the above-captioned proposal to reallocate the KQNC frequency from Quincy to Susanville, California and upgrade that frequency from a Class A to a Class C2 channel. In support of such reply comments the following is set forth.¹

1. Sierra, licensee of Stations KSUE and KSUE-FM Susanville, California, not unexpectedly opposes the upgrade and relicensing of KQNC to Susanville as this will mean additional competition to Sierra. Wittick, licensee of KPCO (AM), Quincy, California also

1. Reply comments were due on December 8, 1992; on December 4, Olympic requested an extension of time until December 21 to file reply comments to permit its consulting engineer time to prepare comments (those comments did not arrive in time and will be filed as a supplement). The staff has informally notified Olympic that it will not act on its extension request; accordingly, Olympic requests a waiver of Section 1.415 of the Rules to file these reply comments.

opposes the upgrading and relicensing of KQNC to Susanville even though the competitive position of KPCO in Quincy would be improved thereby. Although Wittick clothed his opposition in public interest garb, pointing to the disruptive effective which KQNC's licensing to Susanville would have on its existing audience, Olympic submits the real reason Wittick opposes this proposal is that he is also the licensee of FM Broadcast Station KCMT, Chester, California, a full Class C facility located approximately 25 miles west of Susanville, and seeks to protect KCMT from additional competition. Accordingly, while both Sierra and Wittick assert opposition to the proposed upgrade and reallocation of the KQNC frequency from Quincy to Susanville on public interest grounds, Olympic submits that, in reality, such oppositions stem from marketplace considerations relating to their private interests.

2. Sierra's opposition to Olympic's proposal is of particular interest in that Sierra is of the view that a Class A facility in Quincy, with a population of only 2,700 people and surrounded by mountains, cannot survive unless it is able to upgrade its facility to reach additional audience. Sierra would apparently deprive Olympic of the opportunity to upgrade the KQNC facilities because of the fact that Olympic chose to downgrade KQNC's existing Class C2 status to a Class A facility in order to obtain an upgrade of the facilities of commonly owned station KFIA-FM Shingle Springs, California; any upgrade of KQNC would necessarily involve a change in transmitter location and city of license in order to meet minimum mileage separation and principal

city coverage requirements. The fact that Olympic chose to downgrade KQNC to Class A facility in order to upgrade KFIA-FM to a full Class B facility is irrelevant to the instant allotment proceeding; the sole issue here is whether the public interest would be better served by Olympic's instant proposal, as based on objective technical and demographic considerations. See FM Channel Assignments (Eatonton and Sandy Springs, Georgia and Anniston and Lineville, Alabama), 70 RR 2d 182, 184-85 (Mass Media Bureau 1991).

3. Olympic's proposal does not involve a situation where it is attempting to move from an underserved rural area to a well served urban area. Both Susanville and Quincy are small markets; Susanville (1990 population 7,279) is located in Lassen County (1990 population 27,598) and Quincy (1990 population 2,700) is located in Plumas County (1990 population 19,739). Thus, even though Susanville as compared to Quincy is the larger market in terms of population, this is only a difference of degree, not substance; Olympic is not trying to abandon a small market in favor of a large market but, rather, to maintain KQNC's currently licensed facilities through means of a change in transmitter site and relicensing to another small market.

4. While the public has a legitimate expectation that existing radio service will continue and this expectation is a factor which the Commission must weigh independently against the service benefits that may result from reallocating a channel from one community to another, the fact that Quincy may, for a time (until Stations KNLF and KSPY initiate broadcast operations) have

only Station KPCO (AM) as its sole local transmission service is irrelevant since the Commission considers AM and FM stations to be joint components of a single aural medium; Station KPCO (AM) will remain licensed to Quincy and, thus, Olympic's proposal would not deprive Quincy of its sole local transmission service. Amendment of the Commission's Rules Regarding Modification of FM and TV Authorizations to Specify a New Community of License, 5 FCC Rcd 7094, 7097 (1990). Moreover, in addition to KCPO, there are other reception services available to Quincy, such as KCMT Chester, California, and, thus, Olympic's proposal would not deprive Quincy of a second aural reception service.

5. Because requests for change in community of license often involve a change in transmitter site and, as a consequence, disruption of existing service to the public, the fact that a licensee would no longer serve its original community of license is a consideration of little relevance so long as the proposed change would result in a preferential arrangement of allotments. Id., 4 FCC Rcd 4870, 4874 (1989). Although Susanville has a population 2.7 times as large as Quincy, it has only three local transmission services (one of which is not yet on the air) whereas Quincy has four local transmission services (two of which are not yet on the air). The Commission has traditionally compared the relative level of local transmission service in proportion to the population of the communities. Olympic's proposed allocation would result in a preferential arrangement of allotments by providing Susanville, a city of almost three times the population of Quincy,

with its fourth local transmission service while still leaving Quincy with three local transmission services, albeit two of which are not currently on the air.

6. Moreover, as Olympic's allotment proposal would permit Station KQNC to upgrade and retain its currently licensed Class C2 status, this would permit maximum utilization of the channel allocation and provide a reception service to the maximum number of people. Accordingly, Olympic's proposal should be adopted and the comments of Sierra and Wittick should be rejected.

Respectfully submitted

OLYMPIC BROADCASTERS, INC.

By:



Richard A. Helmick

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Its Attorneys

December 21, 1992

CERTIFICATE OF SERVICE

I, Barbara J. Cook, do hereby certify that copies of the foregoing REPLY COMMENTS OF OLYMPIC BROADCASTING, INC. have been sent by first class United States mail, prepaid postage, this 21st day of December, 1992, to the following:

* Michael C. Ruger
Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau
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Washington, D.C. 20554

* Nancy Joyner
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